

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

XING WU PAN and JIA HOU,

Defendants.

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 9-20-12

No. 12 Cr. 153 (RJS)
ORDER


RICHARD J. SULLIVAN, District Judge:

The Court is in receipt of (1) the attached letter from David McCraw, Vice President and Assistant General Counsel of the New York Times Company, dated September 20, 2012, and (2) the attached letter from Defendant Hou, dated September 20, 2012, both regarding the filing of certain exhibits to the Declaration of Gerald B. Lefcourt (Doc. No. 50), under seal. Hou explains that the exhibits she seeks to file under seal are affidavits in support of wiretap applications, and that the government opposes their public filing.

Accordingly, IT IS HEREBY ORDERED THAT the government shall submit a letter setting forth the basis for filing these exhibits under seal on or before September 21, 2012. Any interested party may submit a responsive letter regarding the sealed filing of these exhibits on or before September 24, 2012. Any submission shall specifically address the relevant case law governing the filing of materials under seal.

SO ORDERED.

Dated: September 20, 2012
New York, New York


RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE

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September 20, 2012

BY E-MAIL

The Honorable Richard J. Sullivan
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, N.Y. 10007

United States v. Oliver Pan, et al. SI 12- Cr- 153 (RJS)

Dear Judge Sullivan:

We write to follow up on the letter dated September 12, 2012, by which we sought to file under seal three exhibits to the pre-trial motions of Ms. Hou. That motion was denied [Dkt #52] without prejudice to renewing it with a justification for the sealing.

With respect to Lefcourt Amended Declaration Ex. C [Dkt #50-3], the basis for the request to file it under seal was that it contained a great many personal identifiers that made redaction impractical. It is our intention now either to redact out the identifiers or to use another document that is already public and which provides much of the same information but does not also contain the identifiers.

As to the other two exhibits at issue, Lefcourt Amended Declaration Exs. A and D [Dkt #'s 50-1 and 50-4], those are affidavits in support of wiretap orders. The government objected to the public filing of those documents (as it has a right to do under the May 1, 2012, Protective Order) and on that basis, we sought to file them under seal. We continue to want to file them in support of the motions and for that reason, the government has told us it will separately apprise the Court of the basis for the objection and the reasons why it believes the documents should be

The New York Times
Company



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September 20, 2012

VIA ELECTRONIC DELIVERY

Honorable Richard J. Sullivan
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: U.S. v. Pan and Hou (12 Cr. 153 (RJS))

Dear Judge Sullivan:

I write on behalf of The New York Times Company concerning the Court's Order of September 13, 2012 (Docket No. 52) denying without prejudice a request by Defendants to submit certain exhibits under seal.

We see no record of any renewed application for sealing by Defendants, and we respectfully request that the Court direct the public filing of the materials. In the event that Defendants have renewed their application, we respectfully request an opportunity to be heard in opposition to the sealing and in support of the public's right of access to judicial documents.

We thank the Court for its consideration.

Respectfully submitted,

David E. McCraw

Cc: Gregory J. Ryan, Esq.
Gerald B. Lefcourt, Esq.
Brian A. Jacobs, AUSA
(all via electronic delivery)